

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTOINE TOLBERT,)	CASE NO. 1:22-cv-01489
)	
Plaintiff)	JUDGE DAN AARON POLSTER
)	
vs.)	
)	INITIAL DISCLOSURES OF
CITY OF CLEVELAND, et al.)	DEFENDANT CITY OF CLEVELAND
)	
Defendants)	

Defendant City of Cleveland ("City") provides the following Initial Disclosures:

Fed. R. Civ. P. 26(a)(1)(A)(i) - witnesses

1. Plaintiff will be called to testify and/or cross-examined regarding the allegations of the Complaint.
2. Rule 30(b)(6) witnesses for the City, unknown at this time, are expected to testify that no constitutional rights violation occurred but, if it did, no policy or custom of the City was the moving force behind such rights violation.
3. The individual defendant officers will be called to testify and/or cross-examined regarding the allegations of the Complaint.
4. Other witnesses, identities unknown at this time, may testify regarding the allegations of the Complaint and the Defendant's defenses as set forth in its Answer. These may include officers from the Cleveland Division of Police who are not named in the Complaint.

* Note, categories 3 and 4 are believed to include, but are not limited to, the following:
Mark Williams # 2155, Todd Marazzi #1669, Francis McManamon #1155, Charles Doctor
#2257, Russell Shantery #2094, Elias Lay #1230, Ashley Santa #1358, Ryan McCarthy #1009,
and Sgt. Lance Henderson #9293

5. Plaintiff's witnesses identified in the Initial Disclosures or discovery responses may be called by the City.
6. Any person identified in the Cleveland Division of Police files involving the arrest of Plaintiff may be called as a witness to testify about the circumstances leading up to the arrest of Plaintiff.
7. Any other party to this lawsuit, whether named as a party at the present time or added as a party later, may be called by the City to testify about the relevant facts.
8. Representatives of the Cuyahoga County Prosecutor's Office, including current and former employees; identities presently unknown.

Fed. R. Civ. P. 26(a)(1)(A)(ii) – documents

The City will produce for inspection and copying all relevant, non-privileged documents in its possession, including, but not limited to, its records regarding the arrest of Plaintiff. These documents include, but are not limited to, the following: audio of police dispatch calls, personnel files of defendant officers, Law Enforcement Records Management System (LERMS) reports for Plaintiff, 19 wearable camera system (WCS) videos, and applicable General Police Orders (GPO's) and other rules and regulations (e.g., Manual of Rules).

Fed. R. Civ. P. 26(a)(1)(A)(iii) – damages

N/A

Fed. R. Civ. P. 26(a)(1)(A)(iv) – insurance

N/A – the City is self-insured.

Fed. R. Civ. P. 26(a)(2) – experts

N/A – no experts retained yet; Defendant reserves the right to supplement.

Fed. R. Civ. P. 26(a)(3)(A)(i) – trial witnesses

N/A – not determined yet; Defendant reserves the right to supplement. However, see witnesses listed above.

Fed. R. Civ. P. 26(a)(3)(A)(ii) – trial witnesses via depositions

N/A – not determined yet; Defendant reserves the right to supplement. However, see witnesses listed above.

Fed. R. Civ. P. 26(a)(3)(A)(iii) – trial exhibits

N/A – not determined yet; Defendant reserves the right to supplement. However, see documents described above.

Respectfully submitted,

MARK D. GRIFFIN (0064141)

Director of Law

By: *s/ Michael J. Pike*

William M. Menzalora (0061136)

Chief Assistant Director of Law

Timothy J. Puin (0065120)

Michael J. Pike (0074063)

Assistant Directors of Law

City of Cleveland, Department of Law

601 Lakeside Avenue, Room 106

Cleveland, Ohio 44114-1077

Tel: (216) 664-2800

wmenzalora@clevelandohio.gov

tpuin@clevelandohio.gov
mpike@clevelandohio.gov
Attorneys for City of Cleveland

CERTIFICATE OF SERVICE

The foregoing was served via email to Plaintiff's counsel, Tiana Bohanon, tsb@bohanonlawllc.com.

By: s/ Michael J. Pike
Michael J. Pike (0074063)